

SPECIAL ACT ON THE EXTERMINATION OF PINE WILT DISEASE

Act No. 7549, May 31, 2005
Amended by Act No. 7993, Sep. 27, 2006
Act No. 8346, Apr. 11, 2007
Act No. 8371, Apr. 11, 2007
Act No. 8756, Dec. 21, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9960, Jan. 25, 2010
Act No. 10000, Feb. 4, 2010
Act No. 11690, Mar. 23, 2013
Act No. 11742, Apr. 5, 2013
Act No. 13358, jun. 22, 2015
Act No. 14658, Mar. 21, 2017
Act No. 16232, Jan. 15, 2019

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to contribute to the conservation of national land by conserving forests damaged by pine wilt disease, and by devising and promoting measures for the prevention of damage in order to secure the functionality of forest resources. <Amended by Act No. 9960, Jan. 25, 2010>

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: <Amended by Act No.7993, Sep. 27, 2006; Act No. 9960, Jan. 25, 2010>

1. The term "pine wilt disease" (hereinafter referred to as "pine wilt") means a disease that withers pine trees infected by pine wilt nematodes (hereinafter referred to as "nematodes");
2. The term "pine trees" means pine trees, black pine trees, big-cone pine trees, and other species of trees that the Minister of the Korea Forest Service recognizes and announces to be infected by pine wilt disease;

3. The term "trees prone to be infected by pine wilt" (hereinafter referred to as "infection-prone trees") means pine trees not ascertained whether infected by pine wilt among the pine trees in an area prohibited from removing trees thereof pursuant to Article 9 (1);

4. The term "fumigation" means felling and piling pine trees infected by pine wilt (hereinafter referred to as "infected trees") or infection-prone trees, and spraying them with agricultural chemicals recognized to have the effect of killing pine wilt nematodes and larvae of harmful insects (hereinafter referred to as "carrying insects"), such as Japanese pine sawyer, etc. that carry pine wilt nematodes, and then sealing them with a plastic sheet.

Article 3 (Duty of Forest Owners, etc.)

(1) Where a pine wilt has broken out or is likely to break out, a forest owner, an owner of infected trees or infection-prone trees (hereinafter referred to as "infected trees, etc.") other than a forest owner, and his/her representative (hereinafter referred to as "forest owner, etc.") shall eradicate or prevent such disease.

<Amended by Act No. 7993, Sep. 27, 2006>

(2) In cases falling under paragraph (1), a forest owner, etc. may enter any third person's land connected thereto and exterminate or prevent pine wilt nematodes and carrying insects, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No.8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(3) In cases falling under paragraph (2), an owner of land connected to the relevant forest shall allow a forest owner, etc. to enter his/her land for the eradication of pine wilt.

(4) Where the State or a local government takes measures necessary for eradicating pine wilt in accordance with Article 4, a forest owner, etc. shall cooperate with it.

(5) Where a forest owner, etc. has eradicated or prevented pine wilt in accordance with paragraph (1), the State or a local government may subsidize expenses incurred therein within budgetary limits.

Article 4 (Responsibility of State and Each Local Government)

The Minister of the Korea Forest Service and the head of each local government shall establish and execute measures for the eradication of pine wilt, that include the following projects in order to prevent pine wilt and the spread thereof:

1. The expansion of organization, human resources, budget and equipment for eradication of pine wilt;
2. The prevention of pine wilt and the report system for the early discovery thereof;
3. Technical research and development and support for the eradication of pine wilt;
4. Measures for cooperation with related agencies for the eradication of pine wilt;
5. Education and publicity on pine wilt;
6. Collection and analysis of information about pine wilt.

Article 5 (Control Headquarters)

(1) The Minister of the Korea Forest Service shall establish and operate a Central Pine Wilt Disease Control Headquarters (hereinafter referred to as the "Central Control Headquarters") within the Korea Forest Service to eradicate pine wilt in an area where it has broken out (hereinafter referred to as "infected area") and to prevent the spread thereof, and to swiftly devise support necessary for the preparatory observational inspection under Article 6. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 11742, Apr. 5, 2013>*

(2) In order to efficiently take eradication measures in an infected area, the head of each local government, the director general of each regional office of forest service and the head of a national forest management office of each regional office of forest service (hereinafter referred to as the "head of a national forest management office") shall establish and operate a regional pine wilt control headquarters (hereinafter referred to as "regional control headquarters"). *<Amended by Act No. 7993, Sep. 27, 2006>*

(3) The Minister of the Korea Forest Service shall become the director general of the Central Control Headquarters, and the Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor"), the head of a Si/Gun/autonomous Gu (hereinafter referred to as "head of a Si/Gun/Gu"), the director general of a regional office of forest service or the head of a national forest management office shall become the director general of a regional control headquarters. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 9960, Jan. 25, 2010; Act No. 11742, Apr. 5, 2013>*

(4) Matters necessary for the formation, operation, etc. of the Central Control Headquarters and a regional control headquarters pursuant to paragraphs (1) and (2) shall be prescribed by Presidential Decree. *<Amended by Act No. 9960, Jan. 25, 2010>*

CHAPTER II ERADICATION OF PINE WILT

Article 6 (Preparatory Observational Inspections)

(1) The heads of a Si (in the case of a Special Self-Governing City and Special Self-Governing Province, referring to the Special Self-Governing City Mayor and the Governor of a Special Self-Governing Province; hereinafter the same shall apply)/Gun/Gu or the head of a national forest management office shall conduct a preparatory observational inspection in infected areas and the areas adjacent thereto on a regular basis. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 9960, Jan. 25, 2010; Act No. 11742, Apr. 5, 2013>*

(2) The method and time of making preparatory observation under paragraph (1) and measures to be taken on the result of preparatory observation shall be determined by the Minister of the Korea Forest Service. *<Amended by Act No. 9960, Jan. 25, 2010; Act No. 11742, Apr. 5, 2013>*

Article 6-2 (Entry, etc. into Other Persons' Land)

(1) If necessary for conducting an inspection and survey for preparatory observation and eradication of pine wilt and for eradication work, the head of a Si/Gun/Gu or the director general of a regional office of forest service may request affiliated public officials and employees working for the pine wilt Monitoring Center under Article 14-4 (hereinafter referred to as "public officials, etc.") to enter other persons' land or engage in the following conducts. In such cases, public officials, etc. shall notify the owner or occupier of the relevant land, standing trees, etc. of the purpose, details, period, etc. of such conducts not later than seven days before performing such conducts:

1. Temporary use of the land as a place for storing materials or a temporary road;
2. Changing the form and quality of the land or installing structures on the land;
3. Collection of standing trees, bamboo, turf or grass;
4. Changing or eliminating standing trees, bamboo, earth, stones, or other obstacles.

(2) If a pine wilt has broken out or is suspected of having broken out and is very likely to spread rapidly to other areas, the head of a Si/Gun/Gu or the director general of a regional office of forest service may urgently have his/her public officials, etc. engage in any of the following conducts. In such cases, the public officials, etc. shall notify the purpose, details, period, etc. of the conduct not later than 48 hours before performing such conduct, notwithstanding the latter part of paragraph (1), with the exception of its subparagraphs: *<Newly Inserted by Act No. 16232, Jan. 15, 2019>*

1. Entering other persons' land to conduct a preparatory observational inspection under Article 6;
2. Collecting some of the pine trees to ascertain whether they are infected by pine wilt and whether a pine wilt has been spread.

(3) Public officials, etc. entering other persons' land pursuant to the former part of paragraph (1), with the exception of its subparagraphs, and paragraph (2) 1 or engaging in the conducts under the subparagraphs of paragraph (1) and paragraph (2) 2 shall carry an identification indicating their authority and present it to interested persons. *<Amended by Act No. 16232, Jan. 15, 2019>*

Article 6-3 (Compensation for Loss Following Entry into Other Persons' Land, etc.)

(1) Where any loss occurs due to a measure taken under Article 6-2 (1) and (2), the head of a Si/Gun/Gu or the director general of a regional office of forest service shall compensate the loss: Provided, That the same shall not apply to any loss that has occurred in land subject to the eradication and prevention of pine wilt. *<Amended by Act No. 16232, Jan. 15, 2019>*

(2) With regard to the compensation for loss under paragraph (1), a person who suffers loss and the head of a Si/Gun/Gu or the director general of a regional office of forest service who takes the measures under paragraph (1) shall hold consultation.

(3) Where the consultation under paragraph (2) fails to reach agreement, an application for adjudication may be filed with a competent land tribunal under Article 51 of the Act on Acquisition of and Compensation for Land for Public Works Projects, as prescribed by Presidential Decree.

(4) Articles 83 through 86 of the Act on Acquisition of and Compensation for Land for Public Works Projects shall apply mutatis mutandis to adjudication under paragraph (3).

Article 7 (Reporting and Diagnosis)

(1) A person who discovers pine trees that seem to have been infected by pine wilt shall promptly report such pine trees to a neighboring administrative agency, such as the Korea Forest Service, a regional office of forest service, a national forest management office of a regional office of forest service, the Special Metropolitan City, a Metropolitan City, Special Self-Governing City, Do or Special Self-Governing Province (hereinafter referred to as "City/Do"), Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall also apply), Eup/Myeon/Dong office, etc. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 11742, Apr. 5, 2013>*

(2) An administrative agency who has received a report under paragraph (1) shall report and diagnose pine wilt.

(3) Matters related to reporting and diagnosis of pine wilt shall be separately determined by the Minister of the Korea Forest Service.

Article 7-2 (Epidemiological Investigations)

(1) Where the Minister of the Korea Forest Service or the head of a local government recognizes that pine wilt has broken out or is likely to break out, he/she shall perform an epidemiological investigation without delay.

(2) The Minister of the Korea Forest Service or the head of a local government shall give to the person subject to an epidemiological investigation under paragraph (1) a written notice of the purpose, date, details, etc. of the investigation not later than seven days before performing the investigation: Provided, That in any of the following cases, he/she may give to the person subject to the epidemiological investigation an oral notice of the purpose, details, etc. of the investigation at the same time of performing the investigation: *<Newly Inserted by Act No. 16232, Jan. 15, 2019>*

1. Where it is likely to move infected trees, etc. or it is deemed impracticable to achieve the purpose of the epidemiological investigation due to destruction of evidence, etc., in cases of notifying relevant matters in advance before performing the epidemiological investigation;

2. Where the epidemiological investigation is performed with voluntary cooperation of the person subject to investigation.

(3) In order to perform an epidemiological investigation under paragraph (1), the Minister of the Korea Forest Service or the head of a local government may establish and operate an epidemiological investigation team under his/her control, respectively. *<Amended by Act No. 16232, Jan. 15, 2019>*

(4) Where an epidemiological investigation under paragraph (1) is performed, no person shall refuse, interfere with or evade such investigation without justifiable grounds. *<Amended by Act No. 16232, Jan. 15, 2019>*

(5) Where the head of a local government requests cooperation in conducting an epidemiological investigation under paragraph (1), the Director General of Korea Forest Research Institute shall cooperate with him/her in such investigation. <Amended by Act No. 16232, Jan. 15, 2019>

(6) Matters necessary for the timing for performing an epidemiological investigation, the details thereof, and the formation, duties, etc. of an epidemiological investigation team under paragraphs (1) and (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 16232, Jan. 15, 2019>

Article 8 (Eradication Orders, Implementation of Eradication Projects, etc.)

(1) Where pine wilt has manifested, or is likely to manifest, in a forest or any non-forest area, the Minister of the Korea Forest Service or the head of a local government may order a person to take any of the following eradication measures, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: <Amended by Act No. 7993, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 13358, Jun. 22, 2015>

1. An order to an owner of infected trees, etc. or his/her representative, to fell the relevant standing trees;
2. An order to an owner of infected trees, etc. or his/her representative, to take measures, such as fumigation, incineration, pulverization, etc. of the relevant standing trees;
3. An order to an owner of infected trees, etc. or his/her representative, to restrict or prohibit the relocation or moving of the relevant standing trees, etc.;
4. An order to an owner of articles, such as transport equipment and work tools, or facilities, such as a workplace, in an infected area, or his/her representative, to take measures, such as disinfection of the relevant articles or facilities.

(2) Where a person who has been issued an eradication order under paragraph (1) neglects to eradicate pine wilt or where eradication measures are urgently required as pine wilt is likely to spread to other areas, the State or the head of a local government shall directly implement a pine wilt eradication project or a prevention project; and, without delay, notify such fact to the person who has been issued an eradication order under paragraph (1). <Newly Inserted by Act No. 13358, Jun. 22, 2015>

(3) Notwithstanding Article 5 of the Creation and Management of Forest Resources Act, where pine wilt occurs in an area extending across a City and a Do boundary or a national forest, a public forest, and a private forest, where pine wilt is likely to spread in a forest with a great value of preservation, such as a cultural heritage protection zone, etc., or where any case prescribed by Presidential Decree occurs, the director general of a regional office of forest service may implement an eradication project over an area other than a national forest under the jurisdiction of the Korea Forest Service after consultation with the heads of relevant administrative agencies or the heads of local governments. <Newly Inserted by Act No. 13358, Jun. 22, 2015>

Article 8-2 (Expenses for Eradication)

The Minister of the Korea Forest Service or the head of a local government may subsidize expenses for eradication to an owner of standing trees who has been ordered to fell, incinerate or pulverize standing trees (excluding cases falling under Article 13 (5)) under Article 8 (1) 1 and 2 within budgetary limits, as prescribed by Presidential Decree. <Amended by Act No. 13358, Jun. 22, 2015>

Article 8-3 (Planning and Supervision of Eradication Projects)

(1) Where the State or the head of a local government intends to implement an eradication project pursuant to Article 8 (2) and (3), he/she may plan and supervise the eradication project.

(2) The Planning and supervision of an eradication project under paragraph (1) may be entrusted or outsourced to any of the following persons:

1. A professional engineer who opened a forest-related office pursuant to the Professional Engineers Act;
2. An engineering business operator in the field of forests under the Engineering Industry Promotion Act;
3. The National Forestry Cooperative Federation under the Forestry Cooperatives Act.

(3) A person who designs or supervises an eradication project shall design or supervise such eradication project in compliance with this Act, orders issued under this Act, or other relevant statutes.

(4) If the supervisor of an eradication project discovers any violation of this Act, of any order issued under this Act, or of any other relevant statute, or if the contractor of an eradication project fails to perform an eradication project following the original design, the supervisor of an eradication project shall request the contractor of the eradication project to correct it or to perform reconstruction.

(5) If the contractor of an eradication project fails to comply with a request under paragraph (4), the supervisor of the eradication project may request the contractor to suspend the eradication project in writing. In such cases, the contractor of the eradication project in receipt of a request for suspension of construction shall immediately suspend the construction, except in extenuating circumstances.

(6) The standards and procedures of design and supervision of eradication projects and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 8-4 (Vicarious Implementation, etc. of Eradication Projects)

(1) Where the State or the head of a local government intends to implement an eradication project pursuant to Article 8 (2) and (3), he/she may entrust or outsource the eradication project to any of the following persons:

1. A forest project corporation registered pursuant to Article 24 of the Creation and Management of Forest Resources Act: Provided, That such shall be limited to a forestry project corporation performing projects tending forests and preventing diseases and pests of forests;

2. A national forest management association registered pursuant to Article 23-2 of the Creation and Management of Forest Resources Act;
 3. A forestry cooperative under the Forestry Cooperatives Act.
- (2) Each person who implements an eradication project shall perform duties conscientiously and fairly according to relevant statutes.
- (3) The State or the head of a local government shall not select any person to work concurrently as a designer and a contractor or as a contractor and a supervisor while he/she implements an eradication project under paragraph (1); where a forestry cooperative implements an eradication project, the National Forestry Cooperative Federation shall not be selected as a supervisor.
- (4) The procedures for outsourcing eradication projects under paragraph (1) and other necessary matters shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 9 (Designation and Cancellation of Areas where Removing Pine Trees is Prohibited)

- (1) To eradicate pine wilt and prevent the spread thereof, the head of a Si/Gun/Gu shall designate an infected area and an area within a certain distance prescribed by Presidential Decree within five kilometers from the infected area as an area where removing pine trees is prohibited (hereinafter referred to as an "area where removing pine trees is prohibited ") by the unit of administrative Dong/Ri pursuant to Article 4-2 (4) of the Local Autonomy Act. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 8756, Dec. 21, 2007; Act No. 9960, Jan. 25, 2010>*
- (2) Where the head of a Si/Gun/Gu deems that the grounds for designation under paragraph (1) has ceased, he/she may cancel the designation of an area where removing pine trees is prohibited. *<Newly Inserted by Act No. 7993, Sep. 27, 2006; Act No. 9960, Jan. 25, 2010>*
- (3) Where the head of a Si/Gun/Gu designates an area as an area where removing pine trees is prohibited or cancel the designation thereof, he/she shall publicly announce the details thereof on a bulletin board, etc., and report such designation or cancellation to the Korea Forest Service through a City/Do promptly. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 9960, Jan. 25, 2010>*
- (4) Detailed matters concerning the designation, cancellation and public announcement of an area where removing pine trees is prohibited under paragraphs (1) through (3) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 9960, Jan. 25, 2010; Act No. 11690, Mar. 23, 2013>*

Article 10 (Restrictions, etc. on Movement of Pine Trees)

- (1) Movement of pine trees shall be prohibited in any area where the removal thereof is prohibited. *<Amended by Act No. 16232, Jan. 15, 2019>*
- (2) Notwithstanding paragraph (1), the movement of pine trees shall be allowed in any of the following cases: *<Amended by Act No. 16232, Jan. 15, 2019>*

1. Where a relevant public official verifies that nematodes have been exterminated after eradication measures were taken according to the methods of disposal separately determined by the Minister of the Korea Forest Service, such as fumigation under Article 11 (4);
2. Where pine trees are moved after eradication measures were taken according to the methods of disposal separately determined by the Minister of the Korea Forest Service, such as pulverization under Article 11 (4);
3. Cases prescribed by Presidential Decree, such as the movement of infected lumber, etc. to eradicate pine wilt under Article 11;
4. Where excavated pine trees (limited to those for landscaping or bonsai), for which a certificate verifying that they are uninfected by pine wilt as pine wilt vaccines were injected or other preventive measures were taken is issued by the head of a City/Do forest environmental research institute, fall under any of the following cases:
 - (a) Where they are produced after obtaining authorization of a forest management plan pursuant to Article 13 of the Creation and Management of Forest Resources Act;
 - (b) Where they are produced after reporting on the temporary use of a mountainous district pursuant to Article 15-2 (2) 4 of the Mountainous Districts Management Act;
 - (c) Other cases prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs in consideration of the production areas, details of production, production characteristics, etc., such as pine trees grown in gardens or in pots;
5. Where pine trees produced from land permitted or reported for conversion of a mountainous district or from land permitted or reported for temporary use of a mountainous district are moved within the land permitted or reported.
 - (3) No forest owner, etc. shall sell or use any infected tree, etc.; where he/she possesses or finds an infected tree, etc., he/she shall report thereon without delay to the head of the competent Si/Gun/Gu and to the head of the competent national forest management office. In such cases, the relevant agency in receipt of such report shall handle infected trees, etc. in accordance with Article 11. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 11742, Apr. 5, 2013>*
 - (4) Matters concerning verification under paragraph (2) 1 and 4 shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 7993, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 11742, Apr. 5, 2013; Act No. 16232, Jan. 15, 2019>*

Article 10-2 (Movement of Pine Trees from Areas Other than Areas Prohibited from Removal)

- (1) A person who intends to move pine trees produced in an area other than an area where removing pine trees is prohibited shall be issued a proof of confirmation of the production from the Minister of the Korea Forest Service or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013; Act No. 16232, Jan. 15, 2019>*

(2) The Minister of the Korea Forest Service or the head of a Si/Gun/Gu may issue an order to take eradication measures under Article 8 (1) 2 and 3 for pine trees in violation of paragraph (1). <Amended by Act No. 13358, Jun. 22, 2015; Act No. 13358, Jun. 22, 2015>

Article 10-3 (Orders for Temporary Suspension of Movement of Pine Trees)

(1) Where the Minister of the Korea Forest Service determines that pine wilt is likely to rapidly manifest and to spread across the nation or it is likely to cause serious damage to forest resources as pine wilt spreads to vital areas, he/she may designate the whole nation or part of the nation and order to temporarily suspend the movement of pine trees therefrom in order to prevent the spread of damage from pine wilt.

(2) No period of any order for temporary suspension of movement under paragraph (1) shall exceed 48 hours: Provided, That if necessary to extend the period of temporary suspension of movement to complete measures to prevent the rapid spread of pine wilt, the Minister of the Korea Forest Service may extend the period on one occasion only by not exceeding 48 hours.

(3) Notwithstanding paragraph (1), where movement is necessary due to unavoidable circumstances, a person may move pine trees with the approval of the director general of a regional office of forest service or the head of a local government.

(4) The Minister of the Korea Forest Service or the head of a local government shall take necessary measures, such as public announcement of an order, notification to a person subject to an order, etc., as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs so that an order for suspension of movement is observed effectively, and take necessary measures to prevent the spread of pine wilt during the period of temporary suspension of movement.

Article 11 (Methods of Eradication)

(1) Methods of eradicating pine wilt shall be eradication by airplane dusting and spraying, felling of infected trees, etc., and other methods of eradication shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. <Amended by Act No. 7993, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) The eradication by airplane dusting and spraying may be extended to an area adjacent to an infected area. <Amended by Act No. 7993, Sep. 27, 2006>

(3) Infected trees, etc. which have been felled shall be disposed with fumigation, pulverization, incineration, etc. <Amended by Act No. 7993, Sep. 27, 2006>

(4) Detailed methods of eradication on the disposal, such as fumigation, pulverization, and incineration, shall be separately determined by the Minister of the Korea Forest Service. <Amended by Act No. 7993, Sep. 27, 2006>

(5) Where any fumigation work for eradication under paragraph (4) is completed, a relevant serial number, the date of such work, fumigators' names, a fumigant used therefor, and others shall be recorded and managed, and if the director of a regional control headquarters conducts fumigation work, he/she shall

report on the results to the Director General of the Central Control Headquarters. <Newly Inserted by Act No. 14658, Mar. 21, 2017>

(6) Necessary matters regarding records, management, and reporting under paragraph (5) shall be prescribed by Presidential Decree. <Newly Inserted by Act No. 14658, Mar. 21, 2017>

(7) Where the Minister of the Korea Forest Service or the head of a local government performs eradication work, he/she shall publicly announce the following matters by not later than 14 days prior to the performance thereof: Provided, That where it is necessary to perform eradication work urgently, he/she may first perform such work and then publicly announce it: <Amended by Act No. 7993, Sep. 27, 2006; Act No. 14658, Mar. 21, 2017>

1. An area where eradication work is to be performed and the date thereof;
2. Kinds of diseases and insect pests subject to eradication;
3. Methods and details of eradication;
4. Other necessary matters in connection with eradication.

Article 12 (Management of Forests around Infected Areas)

(1) In order to prevent the spread of damage caused by pine wilt, the afforestation and raising of pine trees shall be prohibited in an area within a certain radius from an infected area, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs: Provided, That this shall not apply to cases determined by the Minister of the Korea Forest Service, as afforestation and raising projects for public purposes, such as scientific research, etc. <Amended by Act No. 7993, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(2) Where a forest owner has removed infected trees, etc. by felling all the pine trees in an infected area, he/she shall afforest such area, as prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, unless he/she has obtained prior permission for conversion: Provided, That this shall not apply where natural reproduction (referring to where a forest is naturally created without afforestation) is deemed possible. <Amended by Act No. 7993, Sep. 27, 2006; Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>

(3) Where the director general of a regional office of forest service or the head of a local government intends to eradicate pine wilt by cutting down all the pine trees in an infected area, he/she may implement the project after purchasing standing pine trees from the owner thereof. <Newly Inserted by Act No. 13358, Jun. 22, 2015>

(4) Where standing pine trees are purchased pursuant to paragraph (3), the purchase price shall be based on the average amount of standing pine trees appraised by at least two appraisers under the Public Notice of Values and Appraisal of Real Estate Act. <Newly Inserted by Act No. 13358, Jun. 22, 2015>

(5) Where all the pine trees in an infected area are felled pursuant to paragraph (3), the eradication project may be designed and supervised pursuant to Article 8-3. <Newly Inserted by Act No. 13358, Jun. 22, 2015>

(6) Where all the pine trees in an infected area are felled pursuant to paragraph (3), in order to use infected trees, etc. as wood, the project may be entrusted or outsourced to any of the following persons: <Newly Inserted by Act No. 13358, Jun. 22, 2015>

1. A forest project corporation registered pursuant to Article 24 of the Creation and Management of Forest Resources Act: Provided, That it shall be limited to forestry project corporations performing projects of tending forests and projects for preventing diseases and pests of forests;
2. A national forest management association registered pursuant to Article 23-2 of the Creation and Management of Forest Resources Act;
3. A forestry cooperative under the Forestry Cooperatives Act;
4. A wood producer under Article 24 of the Act on the Sustainable Use of Wood: Provided, That this shall be limited to lumber producers.

Article 13 (Control, etc.)

(1) In order to prevent the spread of pine wilt damage following artificial movement of infected trees, etc., the Minister of the Korea Forest Service and the head of a Si/Gun/Gu may have an enterprise dealing in pine trees submit related data and have public officials under his/her jurisdiction enter a place of business or office, etc. to investigate or inspect books, documents, etc., or to collect, without compensation, a minimum amount of sample necessary to verify whether pine trees have been infected by pine wilt. <Amended by Act No. 9960, Jan. 25, 2010; Act No. 16232, Jan. 15, 2019>

(2) Where the Minister of the Korea Forest Service or the head of a Si/Gun/Gu investigates or inspects an enterprise dealing in pine trees or collects a sample (hereinafter referred to as "investigation, etc.") pursuant to paragraph (1), he/she shall inform the enterprise of the name of the relevant public official, the purpose, period and place of the investigation, etc., and matters concerning the scope, details, etc. of the investigation, etc., in writing, not later than seven days prior to such investigation, etc.: Provided, That this shall not apply where emergency measures are required or the objective of the investigation, etc. are impracticable to be achieved due to destruction of evidence, etc. if informed in advance. <Newly Inserted by Act No. 9960, Jan. 25, 2010>

(3) An enterprise dealing in pine trees shall prepare and keep materials on the production and distribution of pine trees. <Amended by Act No. 9960, Jan. 25, 2010>

(4) No person shall deal in pine trees, in violation of Articles 10 and 10-2. <Amended by Act No. 9960, Jan. 25, 2010>

(5) The Minister of the Korea Forest Service or the head of a Si/Gun/Gu may authorize his/her subordinate public official to order a person who transports pine trees using any means of transportation, such as a motor vehicle or ship, to suspend transportation and to verify whether he/she has violated Articles 10 and 10-2. <Amended by Act No. 9960, Jan. 25, 2010>

(6) Where a violation is found as a result of the control under paragraphs (1) and (5), the Minister of the Korea Forest Service or the head of a Si/Gun/Gu may order an enterprise or person to take eradication

measures under Article 8. *<Amended by Act No. 9960, Jan. 25, 2010>*

(7) A controlling public official who performs duties under paragraphs (1) and (5) shall carry an identification indicating his/her authority and present it to interested persons. *<Amended by Act No. 9960, Jan. 25, 2010>*

(8) Matters concerning the control of pine wilt, etc. shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 9960, Jan. 25, 2010; Act No. 11690, Mar. 23, 2013>*

Article 13-2 (Documents, etc. for Application for and Report on Conversion of Mountainous Districts)

(1) A person who intends to convert a mountainous district in which an area where removing pine trees is prohibited under Article 9 is included shall also submit a plan for eradicating pine wilt when he/she files an application for permission for conversion of a mountainous district, a report on conversion of a mountainous district, or a report on the temporary use of a mountainous district (hereinafter referred to as "conversion, etc. of a mountainous district"), notwithstanding Articles 14, 15 and 15-2 of the Mountainous Districts Management Act: Provided, That this shall not apply where no pine trees exist in the mountainous district intended for conversion, etc. *<Amended by Act No. 16232, Jan. 15, 2019>*

(2) A person who intends to convert a mountainous district in which an area where removing pine trees is prohibited under Article 9 is included shall submit a completion report on the eradication of pine wilt to the head of an administrative agency with whom an application for or report on conversion, etc. of a mountainous district is filed after eradication measures and treatment are completed according to the plan for eradicating pine wilt under paragraph (1).

(3) The documents referred to in paragraphs (1) and (2) shall be prepared by a person falling under the subparagraphs of Article 8-3 (2): Provided, That the documents may be prepared by a person prescribed by Presidential Decree, with regard to the conversion, etc. of a mountainous district determined by Presidential Decree, such as where the area of a mountainous district is less than 660 square meters. *<Amended by Act No. 16232, Jan. 15, 2019>*

(4) The head of an agency in receipt of an application for conversion, etc. of a mountainous district or a report thereon shall assess whether the documents under paragraphs (1) and (2) are prepared in compliance with the standards prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs, such as eradication methods prescribed in Article 11, and notify the applicant as to whether approval is granted.

(5) Necessary matters, such as methods of preparing plans for eradicating pine wilt and completion reports on the eradication of pine wilt under paragraphs (1) through (3) and procedures for submission, shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs.

Article 14 (Inspection of Eradication Work)

(1) The Central Control Headquarters shall inspect the result of performing eradication work under Article 11 and notify a regional control headquarters of matters to be corrected based on such inspection.

<Amended by Act No. 7993, Sep. 27, 2006>

(2) Where matters need to be corrected as a result of an inspection referred to in paragraph (1) or internal inspection, the director general of a regional control headquarters shall reflect such matters in its own measures for eradication.

(3) Detailed matters concerning the conduct of an inspection referred to in paragraphs (1) and (2) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 8552, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 14-2 (Support for Private Organizations, etc.)

Where a private organization, local resident, etc. conducts preventive activities, etc. of pine wilt, etc. voluntarily, the State and a local government may subsidize or support all or some of expenses incurred therein.

Article 14-3 (Honorary Rangers of Pine Wilt)

(1) The Minister of the Korea Forest Service may commission an honorary ranger of pine wilt to prevent pine wilt and the spread thereof.

(2) The Minister of the Korea Forest Service may reimburse an honorary ranger for expenses incurred in his/her activity.

(3) Necessary matters concerning qualifications for, a method of commission, and duty, etc. of an honorary ranger of pine wilt under paragraph (1) shall be prescribed by Ordinance of the Ministry of Agriculture, Food and Rural Affairs. *<Amended by Act No. 8552, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

Article 14-4 (Establishment, etc. of Pine Wilt Monitoring Center)

(1) For prompt preparatory observation, eradication, education, publicity, etc. to strengthen the control of pine wilt, the Minister of the Korea Forest Service shall establish a pine wilt monitoring center (hereinafter referred to as the "Monitoring Center") that performs the following duties in the Korea Forestry Promotion Institute under Article 29-2 of the Forestry and Mountain Villages Development Promotion Act:

1. Monitoring of the status of manifestation of pine wilt, etc., and the management of statistics thereof;
2. Analysis and prediction of progress of pine wilt outbreak, etc.;
3. Monitoring of the quality management of eradication of pine wilt, etc.;
4. Education on the preparatory observation and eradication of pine wilt, etc. and publicity thereof;
5. Other projects entrusted by the Minister of the Korea Forest Service, related to forest diseases and insect pests, such as pine wilt, etc.

(2) The State or local governments may subsidize the operation of the Monitoring Center and performance of its duties.

Article 15 (Monetary Awards)

The Minister of the Korea Forest Service may give a monetary award to any of the following persons, as prescribed by Presidential Decree: <Amended by Act No. 9960, Jan. 25, 2010; Act No. 11742, Apr. 5, 2013; Act No. 16232, Jan. 15, 2019>

1. A person who reports an outbreak of pine wilt pursuant to Article 7;
2. A person who reports a violation against restrictions on movement, etc. of pine trees under Article 10 (1) and (3);
3. A person who reports pine trees' being moved without a proof of confirmation of the production under Article 10-2 (1) placed thereon;
4. A person who reports an enterprise dealing in pine trees who violates Article 13 (4).

Article 16 (Relationship with Other Acts)

(1) This Act shall take precedence over other Acts regarding the eradication of pine wilt.

(2) Where the of Korea Forest Service or the head of a Si/Gun/Gu performs eradication work to protect pine trees in an ecology and landscape conservation area pursuant to Article 12 of the Natural Environment Conservation Act and an area designated as a natural monument pursuant to Article 25 of the Cultural Heritage Protection Act, he/she shall perform eradication work after consulting with the relevant offices of the Ministry of Environment and the Cultural Heritage Administration. <Amended by Act No. 8371, Apr. 11, 2007; Act No. 9960, Jan. 25, 2010; Act No. 10000, Feb. 4, 2010>

(3) Notwithstanding Articles 13 and 17 of the Wastes Control Act and Article 23 of the Clean Air Conservation Act, infected trees, etc. may be incinerated or pulverized. <Amended by Act No. 7993, Sep. 27, 2006; Act No. 8371, Apr. 11, 2007; Act No. 9960, Jan. 25, 2010>

(4) Where the Minister of the Korea Forest Service requests cooperation for the eradication of pine wilt, the relevant ministries shall cooperate with him/her to the utmost to ensure that the purposes of protecting resources of pine trees and conserving national land may be achieved.

Article 16-2 (Delegation or Entrustment of Authority)

(1) The Minister of the Korea Forest Service may partially delegate his/her authority under this Act to the head of an agency under his/her jurisdiction, as prescribed by Presidential Decree, and the head of an agency so delegated may partially re-delegate of his/her delegated authority to the head of a secondary agency under his/her jurisdiction, with approval from the Minister of the Korea Forest Service.

(2) The Minister of the Korea Forest Service or the head of a local government may partially entrust of his/her duties under this Act to a related institution or organization as prescribed by Presidential Decree.

Article 16-3 (Authorization, Permission, etc. Deemed Obtained)

(1) Where an area is designated and publicly announced as an area where removing pine trees is prohibited pursuant to Article 9, to eradicate pine wilt and prevent spread thereof, the following permission, report,

consultation, etc. shall be deemed obtained, made, or held:

1. Permission for or reporting on the temporary use of a mountainous district under Article 15-2 of the Mountainous Districts Management Act;
2. Permission for or reporting on felling standing trees under Article 36 (1) and (4) of the Creation and Management of Forest Resources Act;
3. Consultation on permission for conducts under Article 71 (1) of the Natural Parks Act: Provided, That this shall not apply where involving any change in the form and quality of land;
4. Consultation under Article 15 (2) 7 of the Natural Environment Conservation Act: Provided, That this shall not apply where involving any change in the form and quality of land;
5. Permission under Article 35 (1) of the Cultural Heritage Protection Act;
6. Permission for restricted activities under Article 12 of the Act on Special Measures for Designation and Management of Development Restriction Zones;
7. Consultation under Article 10 (1) of the Prevention of Steep Slope Disasters Act;
8. Permission to occupy and use under Articles 24 (1) and 38 (1) of the Act on Urban Parks, Greenbelts, etc. and permission under Article 27 (1) thereof;
9. Advance consultation under Article 8 (1) of the Baekdu-Daegan Protection Act.

(2) Where matters referred to in the subparagraphs of paragraph (1) are included in eradication works, the State or the head of a local government shall have consultation with the heads of relevant administrative agencies: Provided, That where urgent eradication works are necessary as pine wilt has manifested in other areas or vital areas, they may give notification after the eradication works.

CHAPTER III PENALTY PROVISIONS

Article 17 (Penalty Provisions)

(1) Any of the following persons shall be punished by imprisonment with labor for not more than one year or by a fine not exceeding ten million won: <Amended by Act No. 7993, Sep. 27, 2006; Act No. 13358, Jun. 22, 2015>

1. A person who gives cause for the spread of damage caused by pine wilt due to poor design or supervision, in violation of Article 8-3 (3);
2. A person who gives cause for the spread of damage caused by pine wilt due to poor construction or project management, in violation of Article 8-4 (2);
3. A person who moves pine trees from an area where removing pine trees is prohibited, in violation of Article 10 (1).

(2) Any of the following persons shall be punished by a fine not exceeding five million won: <Amended by Act No. 16232, Jan. 15, 2019>

1. A person who refuses, interferes with, or evades an epidemiological investigation without good cause, in violation of Article 7-2 (4);

2. A person who violates an order for eradication measures under Article 8 (1);
 3. A person who sells or uses an infected tree, etc. or fails to report an infected tree, etc. possessed or found by him/her, in violation of the former part of Article 10 (3).
- (3) A person who violates Article 10-2 (1) shall be punished by a fine not exceeding two million won.
<Amended by Act No. 7993, Sep. 27, 2006>

Article 18 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, employee, or other servant (including a person who transports infected trees, etc. using any means of transportation) of a corporation or individual commits any offence described in Article 17 in conducting the business of the corporation or individual, not only shall such offender be punished, but also the corporation or individual shall be punished by a fine prescribed in the relevant Article: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offence.

Article 19 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding two million won: <Amended by Act No. 9960, Jan. 25, 2010; Act No. 13358, Jun. 22, 2015>

1. A person who violates Article 3 (3) or (4);
2. A person who violates Article 13 (1) or (3) through (5);
3. Deleted. <by Act No. 16232, Jan. 15, 2019>

(2) A person who fails to perform afforestation pursuant to Article 12 (2) shall be punished by an administrative fine equivalent to the total amount of expenses for the relevant afforestation. <Amended by Act No. 9960, Jan. 25, 2010>

(3) Administrative fines provided for in paragraphs (1) and (2) shall be imposed and collected by the Minister of the Korea Forest Service, a Mayor/Do Governor, the head of a Si/Gun/Gu, the director general of a regional office of forest service, or the head of a national forest management office, as prescribed by Presidential Decree. <by Act No. 9960, Jan. 25, 2010>

(4) through (6) Deleted. <by Act No. 9960, Jan. 25, 2010>

ADDENDA

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation.

(2) (Transitional Measures concerning Application of Penalty Provisions) The application for the penalty provisions to acts committed before this Act enters into force shall be governed by the relevant provisions of the Forestry Act.

ADDENDA <Act No. 7993, Sep. 27, 2006>

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures concerning Application of Penalty Provisions) The application for the penalty provisions to acts committed before this Act enters into force shall be governed by the previous provisions.

ADDENDA <Act No. 8346, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 13 Omitted.

ADDENDA <Act No. 8371, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 8756, Dec. 21, 2007>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 8852, Feb. 29, 2008>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9960, Jan. 25, 2010>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 8-2 shall enter into force six months after the date of its promulgation.

(2) (Applicability to Change of Designation Unit of Area where Removing Pine Trees is prohibited) The amended provisions of Article 9 (1) shall apply to designated areas prohibited from removing trees thereof on and after this Act enters into force.

ADDENDA <Act No. 10000, Feb. 4, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 11690, Mar. 23, 2013>

Article 1 (Enforcement Date)

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

Articles 2 through 7 Omitted.

ADDENDUM <Act No. 11742, Apr. 5, 2013>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 13358, Jun. 22, 2015>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 14658, Mar. 21, 2017>

This Act shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 16232, Jan. 15, 2019>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 6-2, 6-3, 7-2, 13 (1), and 17 (2) shall enter into force on the date of its promulgation.

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